

### **REMARKS/ARGUMENTS**

Applicants have amended Claim 1 to recite that the claimed sequences comprise a cyclic core consisting of the specific sequences embodied in the listed sequences, or a corresponding sequence with one or two conservative substitutions or one or two insertions or one or two deletions, and that the claimed sequences have certain other structural and functional characteristics. Claim 49 has been amended to exclude SEQ ID NO: 5 and SEQ ID NO: 6, and claims 52 and 53 have been amended to recite that the claimed sequences consisting of SEQ ID NOs: 5 and 6.

Applicants respectfully submit that the amendments are fully supported by the application as originally filed. Entry of the amendments and favorable reconsideration of all claims are respectfully requested.

Claims 1-4, 12, 14-18, 23-26, 49-63, 72-103 are pending and under examination. Applicants gratefully acknowledge the indication that Claims 50, 54 and 55 are allowable.

#### **Finality of Office Action**

As an initial matter, applicants respectfully submit that it is improper for the Office Action to be made final. The Office Action contains new grounds of rejections to the claims not necessitated by any amendments to the claims. Specifically, Claims 49, 52 and 53 are newly rejected over prior art not previously

of record, yet Claim 49 was never amended and the previous amendment to Claims 52 and 53 was not substantive. Accordingly, it is respectfully requested that the finality of the Office Action be withdrawn.

**Rejections under 35 U.S.C. §112 ¶ 1**

The Office Action continues to base much of the reasoning of the lack of enablement and lack of written description rejections on the notion that “the term comprising is open-ended.” In fact, this phrase is repeated at least nine (9) times in the Office Action. However, even prior to the current claim amendments, the claimed core sequence is not open ended and consists of a well-defined sequence of very limited length.

The Office Action also continues to assert that the “receptor binding loops” of VEGF-D are not defined. This is incorrect because, as made amply clear by Figures 1 and 6 and the accompanying description, the loops and their amino acid sequences are well defined. Figures 1 and 6 show the three loops and the determination of their amino acid sequences based on backbone tracing techniques.

In order to eliminate the examiner’s concerns over the “comprising” language, applicants have amended Claim 1, to stress that the claimed core sequence consists of precisely defined sequences. Furthermore, in order to expedite prosecution, without acquiescing to the examiner’s assertions, applicants have amended Claim 1 to recite the specific loop sequences described

in the specification by their nucleotide sequences. As amended, the claims now recite loop sequences specifically, and sequences which have one or two conservative substitutions or insertions or deletions. Accordingly, applicants respectfully submit that these amendments address both concerns of the examiner and overcome the claim rejections under 35 U.S.C. § 112, and have overcome all claim rejections under 35 U.S.C. § 112, first paragraph (with the exception of the “new matter” rejection discussed below).

### **“New Matter” Rejections**

The Office Action rejected Claims 1-3, 23 and 72-87 for alleged containing impermissible “new matter.” Specifically, the Office Action states that the recitation of “mimics a native conformation in the corresponding region of VEGF, VEGF-C” is new matter. Applicants respectfully traverse, and direct the examiner’s attention to lines 10-14, page 30 of the specification, which states that the monomeric monocyclic peptides created “mimic the conformation of each of the native loops.” Accordingly, it is respectfully submitted that the claim language is specifically supported by the specification and is not new matter.

### **Claim Rejections under 35 U.S.C. §102**

The Office Action further rejected claims 49, 52 and 53 under 35 U.S.C. § 102 (e) or (b) over Yamada et al., Achen et al., or Le et al., arguing that these references inherently disclose a cyclic peptide because the peptides disclosed therein contains two cysteine residues in vicinity of each other, which will

inherently link with each other to form a cyclic peptide. Applicants respectfully traverse. Although the a cysteine residue may form a disulphide link with another cysteine, there is no indication in the cited references that they will necessarily form a link with each other to form the presently claimed cyclic peptide.

In order to expedite prosecution, applicants have amended these claims, such that Claim 49 does not recite SEQ ID NO: 5 or 6, and claims 52 and 53 now recite a cyclic peptide consisting of SEQ ID NO: 5 or 6, respectively. Accordingly, these claim amendments have rendered the claim rejections under 35 U.S.C. § 102 moot.

### **Conclusion**

Applicants respectfully submit that all claims are now in condition for allowance and solicit an early indication from the Examiner to this effect.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Application No. 09/761,636  
Attorney Docket No.: 1064/48505  
Reply to Office Action of March 25, 2004

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #: 029065.48505US).

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Respectfully submitted,



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